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Wellgen Standard, LLC

UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re
LAYFIELD & BARRETT, APC,
Debtor.

Case No. 2:17-bk-19548-NB

Chapter 11

**COMMENTS REGARDING PHILIP
LAYFIELD'S EX PARTE MOTION TO
ESTABLISH PROTOCOL FOR
RESOLVING OPEN ISSUES, SET
BRIEFING SCHEDULES AND TO STAY
ALL OTHER PROCEEDINGS, PAYMENTS
AND FINAL ORDERS PENDING
RESOLUTION OF CRITICAL ISSUES**

DATE: September 18, 2018
TIME: 2:00 p.m.
CTRM: 1545

TO THE HONORABLE NEIL W. BASON, UNITED STATES BANKRUPTCY JUDGE,
AND ALL OTHER INTERESTED PARTIES:

Wellgen Standard, LLC ("Wellgen"), hereby submits the following Comments
Regarding Philip Layfield's Ex Parte Motion to Establish Protocol for Resolving Open
Issues, Set Briefing Schedules and to Stay all Other Proceedings, Payments and Final
Orders Pending Resolution of Critical Issues (the "Ex Parte"). Wellgen agrees with the
Court's assessment of the Ex Parte and its decision not to grant any relief beyond the
scheduling of the status conference as the Ex Parte does not provide legal or factual
grounds for granting any additional relief. To the extent that Mr. Layfield is seeking any

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1 additional relief, he should be required to file a properly noticed motion in the appropriate
2 case and in the appropriate court. The Court should not set a briefing schedule to set
3 aside the default judgment that was obtained by Advocate, and subsequently transferred
4 to Wellgen, as requested at page 3 of the Ex Parte Motion. The litigation is pending
5 before the District Court and that is the court with proper jurisdiction over that particular
6 matter. Anything relating to the involuntary bankruptcy currently pending against Mr.
7 Layfield should be addressed in that case and not in the context of the Ex Parte. Finally,
8 while Wellgen vigorously disputes the unsupported factual allegations set forth in the Ex
9 Parte, Wellgen will address those in the context of an appropriate motion so as not to
10 waste the Court's time and resources.

11 Respectfully submitted,

12 Dated: September 4, 2018

WEILAND GOLDEN GOODRICH LLP

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14 By: /s/ Jeffrey I. Golden
15 JEFFREY I. GOLDEN
16 BETH E. GASCHEN
17 Attorneys for Creditor
18 Wellgen Standard, LLC
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

650 Town Center Drive, Suite 600, Costa Mesa, California 92626

A true and correct copy of the foregoing document entitled (*specify*): **COMMENTS REGARDING PHILIP LAYFIELD'S EX PARTE MOTION TO ESTABLISH PROTOCOL FOR RESOLVING OPEN ISSUES, SET BRIEFING SCHEDULES AND TO STAY ALL OTHER PROCEEDINGS, PAYMENTS AND FINAL ORDERS PENDING RESOLUTION OF CRITICAL ISSUES** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner indicated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **September 4, 2018**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) **September 4, 2018**, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) **September 4, 2018**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

The Honorable Neil Bason, 255 E. Temple Street, Los Angeles, CA 90012

☒ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.



September 4, 2018

Date

Kelly Adele

Printed Name

Signature

VIA OVERNIGHT MAIL

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1875 K. Street NW
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